



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/539,714

02/13/2006

Alan Wayne Blount

DYC-00300

4250

28960 7590 03/02/2010

HAVERSTOCK & OWENS LLP  
162 N WOLFE ROAD  
SUNNYVALE, CA 94086

EXAMINER

PATEL, PREMAL R

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

03/02/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/539,714	<b>Applicant(s)</b> BLOUNT, ALAN WAYNE	
	<b>Examiner</b> PREMAL PATEL	<b>Art Unit</b> 2629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25, 30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) 8-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14-25, 30 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Newly submitted claim 8 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 8 is now amended to be in independent form, and claims “**a Server** for use with at least one graphics device, ...” which belongs to class 709.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 8 and claims 9 -13 which depend on claim 8 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claim 30** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding the claim, specification does not teach “**a computer readable medium**” as claimed.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 30** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 30, as presented recites "**a computer readable medium ...**" and the specification does not provide explanation for what constitutes "a computer readable medium". Therefore claim 30, as presented covers non-statutory embodiments (under the broadest reasonable interpretation of the claim when read in light of the specification and in view of one skilled in the art) embraces subject matter that is not eligible for patent protection and therefore is directed to non-statutory subject matter. In present application, a computer readable medium can be a carrier wave which renders the claim non-statutory.

**Note:** Amending the claim limitation by adding "a **non-transitory** computer readable medium" would overcome the 101 rejection.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-3, 6, 15, 16, 18, 30 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (6,633,746) in view of Luzzatti et al. (2002/0024947).

Regarding **claim 1**, Walsh teaches a mobile graphics display device (200; **Fig 3**), comprising a touch sensitive display screen (310; **Fig 3**) coupled to a touch screen processor (330; **Fig 3**), the touch screen processor being operable to generate first ink data representative of an input drawing action applied to the touch sensitive display screen (**Column 3, lines 7-11**), a graphics display (310; **Fig 3**) and a graphics image processor (350; **Fig 3**) operable to display images representative of at least the first ink data on the graphics display (**Column 3, lines 7-10; Column 4, lines 9-12**), and a data processor (320; **Fig 3**) operable in combination with a wireless communications processor (360; **Fig 3**) to communicate the first ink data from the mobile graphics display device to another graphics display device (**Column 3, lines 10-25**), to receive other ink data created by the other graphics display device (**Column 3, lines 26-34**), the other ink data being representative of other drawing action (**Column 3, lines 20-22**), the graphics image processor being operable to generate a representation of the other ink data with respect to the representation of the first ink data according to a common reference (a template = a common reference; **Column 4, lines 28-31**), Walsh fails to teach wherein the data processor is operable in combination with the wireless communications processor to communicate a presence signal providing an indication that the mobile graphics device is available to send and move ink data to at

Art Unit: 2629

least one other graphics display device of a predefined group of graphics display devices, to receive the presence signal from the other graphics display device, the presence signal being indicative that the other graphics display device is available to send and/or receive ink data from the mobile graphics display device, the data processor being operable in response to the presence signal to display an indication on the graphics display screen that the other device is available to send and to receive ink data, and following receipt of the presence signal from the other graphics display device, to send and to receive the ink data to and from the other graphics display device; as claimed.

Luzzatti teaches a system to dynamically reveal availability status for communicating with one of more entities wherein the data processor is operable in combination with the wireless communications processor to communicate a presence signal (**para [0047]**) providing an indication that the mobile graphics device is available to send and move ink data to at least one other graphics display device (**para [0047]; Fig 3**) of a predefined group of graphics display devices (408, 410, 412, 414; **Fig 4**), to receive a presence signal from the other graphics display device, the presence signal being indicative that the other graphics display device is available to send and/or receive ink data from the mobile graphics display device (**para [0047]**) (**Note:** As cited, **para [0047]** describes different presence indicators. Indicator of "online" shows the other device is active and ready of communication), the data processor being operable in response to the presence signal to display an indication (**para [0019]**) on the graphics display screen that the other device is available to send and to receive ink data, and following

Art Unit: 2629

receipt of the presence signal from the other graphics display device, to send and to receive the ink data to and from the other graphics display device (**para [0089]**) (**Note:** As cited, **para [0089]** clearly indicates the user is available for text chat = send and receive ink data).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the communication system as taught by Walsh with the addition of communication availability as taught by Luzzatti, because this will provide a system and method for a user to dynamically reveal their availability status for communication with one of more entities or group entities thus providing a very effective way of communication (Luzzatti: **para [0015]**).

Regarding **claim 15**, this is method claim and is rejected same as the claim 1, as explained above.

Regarding **claim 2**, Walsh further teaches the mobile graphics display device, wherein the data processor is operable in response to a command received via the touch screen to establish a connection with the other graphics display device, the ink data produced from drawing actions from the touch screen being communicated to the other graphics display device (**Column 2, lines 12-14; Column 2, lines 31-42**).

Regarding **claims 3 and 16**, Walsh teaches a mobile graphics display device, wherein the data processor is operable in combination with the graphics display processor, as explained above for claim 1.

Walsh fails to teach providing a iconic representation on the display screen representing the presence of the other graphics display device; as claimed.

Luzzatti teaches a system to dynamically reveal availability status for communicating with one of more entities wherein the system providing a iconic representation on the display screen representing the presence of the other graphics display device (**para [0019]**).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the communication system as taught by Walsh with the addition of communication availability as taught by Luzzatti, because this will provide a system and method for a user to dynamically reveal their availability status for communication with one of more entities or group entities thus providing a very effective way of communication (Luzzatti: **para [0015]**).

Regarding **claims 6 and 18**, Walsh further teaches the mobile graphics display device, wherein the data processor is responsive to an indication from the touch screen to communicate image data via the wireless communications processor to the other graphics display device (**column 2, lines 3-45**)



Regarding **claim 30**, this claims is rejected same as claim 1, as explained above. Walsh also teaches a computer readable medium programmed with a computer program providing computer executable instruction, which when loaded on to a computer causes the computer to perform (**column 4, lines 56-67**) the function as explained in claim 1 above.

Regarding **claim 32**, this is an apparatus claim and is rejected same as the claim 1, as explained above.

7. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (2003/0218631) in view of Walsh et al. (6,633,746).

Regarding **claim 14**, Malik teaches a server plug-in (300; **Fig 3**) operable in combination with an instant messaging server (330; **Fig 3**) and a data store (340; **Fig 3**), to maintain connection information in association with the data stored in the data store (**para [0022]**), the connection information associated in accordance with a defined group to identify presence information in accordance with whether one or more of the predefined group of devices is available to exchange ink data (**para [0006]**), and consequent upon one or more devices being identified, to communicate ink data from a device from the group to any of the other graphics display devices of the group which are identified as being present (**Fig 3; para [0041]; para [0044]**) (**Note: As cited in para**

**[0044]** the client device in one embodiment is a general purpose digital computer, minicomputer ).

Malik fails to teach the plug-in being operable to receive ink data from a plurality of sources and to store the ink in the data store in association with a common reference space; as claimed.

Walsh teaches a communication system wherein the plug-in (**Column 3, lines 35-60**) being operable to receive ink data from a plurality of sources (200, 210; **Fig 2**) and to store the ink in the data store (**Note:** As cited in **Column 3, lines 35-60**, the system includes a server (computer) and it will obviously have data store (memory) for storing information/data) in association with a common reference space (**Column 4, lines 28-32**).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the system of Malik with the communication of ink data as taught by Walsh, because this will provide an improved system with a touch-sensitive display screen and improved method of communicating using small communication device. Also other benefit of Walsh's system in to not only communicating with standard inbuilt messages, but also enable user to write on the touch sensitive display and communicate that information.

8. **Claims 4 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (6,633,746) in view of Luzzatti et al. (2002/0024947) as applied to claims 1 and 15 above, and further in view of Sun et al. (2002/0143994).

Regarding **claim 4**, Walsh and Luzzatti teaches the mobile graphics display device, as explained in claim 1 above.

Walsh and Luzzatti fail to teach the data processor is operable to compression encode the ink data; as claimed.

Sun teaches an apparatus for implementing ink data communication wherein the data processor (101; **Fig 1; para [0022]**) is operable to compression encode the ink data (**Fig 4; Fig 5; para [0029], lines 1-16**).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the method of exchanging hand drawn data as taught by Walsh and Luzzatti with data compression as taught by Sun, because this will enable to reduce the amount of data transferred to higher functional levels without reducing the information representing by the raw ink data (Sun: **para [0029], lines 13-16**).

Regarding **claim 17**, Walsh and Luzzatti teaches the method of exchanging hand drawn data, as explained in claim 15 above.

Walsh and Luzzatti fail to teach compression encoding the ink data; as claimed.

Sun teaches a method for implementing ink data communication comprising compression encoding the ink data (**Fig 4; Fig 5; para [0029], lines 1-16**).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the method of exchanging hand drawn data as taught by Walsh and Luzzatti with data compression as taught by Sun, because this will enable to reduce the

Art Unit: 2629

amount of data transferred to higher functional levels without reducing the information representing by the raw ink data (Sun: **para [0029], lines 13-16**).

9. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (6,633,746) in view of Luzzatti et al. (2002/0024947) as applied to claim 1 above, and further in view of Overtoom et al. (2004/0053616).

Regarding **claim 5**, Walsh and Luzzatti teaches the mobile graphics display device comprising wireless communication processor; as explained above for claim 1. Walsh and Luzzatti fails to teach a wireless mobile radio communication interface to send and receive data via a radio access interface in accordance with the interface; as claimed.

Overtoom teaches a mobile communication device comprising a wireless mobile radio communication interface (240; **Fig 2**) to send and receive data via a radio access interface (230; **Fig 2**) in accordance with the interface (**Fig 2; para [0010]; para [0020]**).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the mobile device of Walsh and Luzzatti with the teaching of Overtoom, because combination of the said references would provide a method for routing call events to at least one termination point based on the criteria when there are multiple possible recipients of the data call (Overtoom: **para [0006]; para [0011]; para [0012]**).

Art Unit: 2629

10. **Claims 7 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (6,633,746) in view of Luzzatti et al. (2002/0024947) as applied to claims 6 and 18 above, and further in view of Payne et al. (7,003,327).

Regarding **claims 7 and 19**, Walsh and Luzzatti teaches the mobile graphics display device, as explained above for claims 6 and 18.

Walsh and Luzzatti fails to teach wherein a URI address or an image file; as claimed.

Payne teaches a mobile communication device wherein the data includes a URI address (**column 5, lines 63-67; column 6, lines 1-20**).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the mobile device of Walsh and Luzzatti with the teaching of Payne, because the users of the mobile devices can automatically select, utilize and manage predetermined classes of contact identifies contained in information stored in and/or being processed by their mobile device (Payne: **Column 3, lines 55-67**).

11. **Claims 20, 21 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (6,633,746) in view of Luzzatti et al. (2002/0024947) as applied to claim 15 above, and further in view of Malik (2003/0218631).

Regarding **claim 20**, Walsh and Luzzatti teaches the method of exchanging hand drawn data, the method comprising receiving ink data from a first graphics display

Art Unit: 2629

device (Walsh: 200; **Fig 2**) and receiving ink data from at least one other graphic display device (Walsh: 210; **Fig 2**),

communicating the ink data from the first graphics display device to the other graphics display device, (Walsh: **Column 2, lines 32-47**)

communicating the ink data from the other graphics display device to the first graphics display device, (Walsh: **Column 2, lines 32-47**)

maintaining connection information identifying the first graphics display device and the other graphics display device (Luzzatti: **para [0047]; para [0054]**), the connection information including a list of graphics display devices associated with a defined group (Luzzatti: 408,410,412,414; **Fig 4**) (**Note:** As cited devices 408, 410, 412 and 414 and list of graphics devices of a defined group),

wherein the communicating the ink data from the first graphics display device to the other graphics display device and from the other graphics display device to the first graphics display device (), includes identifying presence information in accordance with whether one or more of the predefined group of devices is available to exchange ink data, and consequent upon one or more devices being identified,

communicating ink data from a user from the group to any of the other graphics display devices of the group which are identified as being present (Luzzatti: **para [0019]; para [0047]; para [0089]**) (**Note:** As cited, **para [0047]** describes different presence indicators. Indicator of "online" shows the other device is active and ready of communication. As cited, **para [0089]** clearly indicates the user is available for text chat = send and receive ink data).

Art Unit: 2629

Walsh and Luzzatti fails to teach a data store in accordance with a common reference space; as claimed.

Malik teaches the a method of relying presence information wherein the system comprises a data store (340; **Fig 3**) in accordance with a common reference space (**Fig 3; para [0023]; para [0024]**) (**Note:** As cited the storage medium is accessible with client device 310 and 320, which indicates this is a common reference space)

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the method of exchanging data as taught by Walsh and Luzzatti with the teaching of Malik, because this will provide a system and method for a subscriber to dynamically reveal their availability status for communication with one or more entities or grouped entitled (**Malik: para [0015]**).

Regarding **claim 21**, Walsh further teaches the method of exchanging hand drawn data, wherein the ink data communicated between the group of devices forms a communications session (**Fig 2; Column 2, lines 22-47**), the method comprising communicating the ink data from the session to a graphics display device requesting the ink data for the session (**Fig 2; Column 2, lines 22-47**) (**Note:** As cited Walsh teaches the method of sending/receiving data, which is interpreted as a communications session).

Regarding **claim 24**, Walsh further teaches the method of exchanging hand drawn data, comprising communicating data representative of the previously generated

drawing to a requesting graphics display device, in response to a request for a previously generated drawing data (**Column 3, lines 25-62**).

12. **Claims 22 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (6,633,746) in view of Luzzatti et al. (2002/0024947) as applied to claim 15 above, and further in view of Malik (2003/0218631) as applied to claims 21 above, and further in view of Sun et al. (2002/0143994).

Regarding **claims 22 and 23**, Walsh, Luzzatti and Malik teaches the method of exchanging hand drawn data, as explained above for claim 21.

Walsh, Luzzatti and Malik fail to teach compression encoding at least some of the ink data received from the graphics display devices; as claimed.

Sun teaches a method for implementing ink data communication comprising compression encoding the ink data (**Fig 4; Fig 5; para [0029], lines 1-16**) after a predetermined time has lapsed since generation of the ink data (**Note:** It will be obvious from the time the data is generated to the time compression encoding, there will be a predetermined time lapse).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the method of exchanging hand drawn data as taught by Walsh, Luzzatti and Malik with data compression as taught by Sun, because this will enable to reduce the amount of data transferred to higher functional levels without reducing the information representing by the raw ink data (Sun: **para [0029], lines 13-16**).



13. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al. (6,633,746) in view of Luzzatti et al. (2002/0024947) and Uusitalo (6,366,777).

Regarding **claim 25**, Walsh teaches a mobile graphics display device (200; **Fig 3**), comprising a touch sensitive display screen (310; **Fig 3**) coupled to a touch screen processor (330; **Fig 3**), the touch screen processor being operable to generate first ink data representative of an input drawing action applied to the touch sensitive display screen (**Column 3, lines 7-11**), a graphics display (310; **Fig 3**) and a graphics image processor (350; **Fig 3**) operable to display images representative of at least the first ink data on the graphics display (**Column 3, lines 7-10; Column 4, lines 9-12**), and a data processor (320; **Fig 3**) operable in combination with a wireless communications processor (360; **Fig 3**) to communicate the first ink data from the mobile graphics display device to another graphics display device (**Column 3, lines 10-25**), to receive other ink data created by the other graphics display device (**Column 3, lines 26-34**), the other ink data being representative of other drawing action (**Column 3, lines 20-22**), the graphics image processor being operable to generate a representation of the other ink data with respect to the representation of the first ink data according to a common reference (a template = a common reference; **Column 4, lines 28-31**), Walsh fails to teach wherein the data processor is operable in combination with the wireless communications processor to communicate a presence signal providing an indication that the mobile graphics device is available to send and move ink data to at

Art Unit: 2629

least one other graphics display device of a predefined group of graphics display devices, to receive the presence signal from the other graphics display device, the presence signal being indicative that the other graphics display device is available to send and/or receive ink data from the mobile graphics display device, the data processor being operable in response to the presence signal to display an indication on the graphics display screen that the other device is available to send and to receive ink data, and following receipt of the presence signal from the other graphics display device, to send and to receive the ink data to and from the other graphics display device, each graphics display device being provided with a Subscriber Identity Module associated with the same operator; as claimed.

Luzzatti teaches a system to dynamically reveal availability status for communicating with one of more entities wherein the data processor is operable in combination with the wireless communications processor to communicate a presence signal (**para [0047]**) providing an indication that the mobile graphics device is available to send and move ink data to at least one other graphics display device (**para [0047]; Fig 3**) of a predefined group of graphics display devices (408, 410, 412, 414; **Fig 4**), to receive a presence signal from the other graphics display device, the presence signal being indicative that the other graphics display device is available to send and/or receive ink data from the mobile graphics display device (**para [0047]**) (**Note:** As cited, **para [0047]** describes different presence indicators. Indicator of "online" shows the other device is active and ready of communication), the data processor being operable in response to the presence signal to display an indication (**para [0019]**) on the graphics display

Art Unit: 2629

screen that the other device is available to send and to receive ink data, and following receipt of the presence signal from the other graphics display device, to send and to receive the ink data to and from the other graphics display device (**para [0089]**) (**Note:** As cited, **para [0089]** clearly indicates the user is available for text chat = send and receive ink data).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the communication system as taught by Walsh with the addition of communication availability as taught by Luzzatti, because this will provide a system and method for a user to dynamically reveal their availability status for communication with one of more entities or group entities thus providing a very effective way of communication (Luzzatti: **para [0015]**).

Walsh and Luzzatti fails to teach a Subscriber Identity Module associated with the same operator; as claimed.

Uusitalo teaches a system wherein a Subscriber Identity Module associated with the same operator (MSISDN = operator; **column 1, lines 9-11; column 6, lines 63-67**).

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the device of Walsh and Luzzatti with the teaching of Uusitalo, because this will provide a advantage to a subscriber who wished to have a SIM card for plurality of devices, but does not have to pay for tow separate subscription (Uusitalo: **column 4, lines 20-30**)

***Response to Arguments***

14. Applicant's arguments filed **November 16, 2009** have been fully considered but they are not persuasive. Remarks on page 11, lines 22-28 is not persuasive, because communication of a presence signal as cited in the office action above is taught by Luzzatti. Remarks on page 12, lines 5-13 are not persuasive, because Examiner is not relying on the section of Walsh as cited by applicant. Remarks on page 12, line 18 is not persuasive because Walsh teaches ink data. Further regarding remarks on page 12, lines 19 - 21 is not persuasive as this limitation is taught by Luzzatti as explained in the office action above. Remarks on page 13, lines 12-14 is not persuasive because the claim as presented not claiming the a symbol written on a first device **as it was written**. Rather the claim as presented is claiming "to display images **representative** of at least the first ink data". Remarks on page 13-14 are not persuasive for the same reasons as explained above. Remarks on page 15, line 24 is not persuasive because this limitation is taught by Walsh.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Periss et al. (2002/0021690) and Hansmann et al. (2001/0016835)**.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PREMAL PATEL whose telephone number is (571)270-5892. The examiner can normally be reached on Monday to Friday, 6:30 to 4:00, with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571)272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. P./

Examiner, Art Unit 2629

/Amare Mengistu/  
Supervisory Patent Examiner, Art Unit 2629